

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RODERICK CARMICHAEL,
Plaintiff,

v.

SGT. BROWN, et al.,
Defendants.

Case No. 2:23-cv-99-CLM-JHE

ORDER OF DISMISSAL

Plaintiff Roderick Carmichael filed a pro se complaint under 42 U.S.C. § 1983, alleging violations of his rights under the Constitution or laws of the United States. (Doc. 1). The magistrate judge has entered a report, recommending the court dismiss this case under Federal Rule of Civil Procedure 41(b) based on Carmichael's failure to comply with a court order. (Doc. 25). The magistrate judge advised Carmichael of his right to object to the recommendation within 14 days, but the court has not received any objections.


Having reviewed and considered de novo all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** his recommendation. So the court **DISMISSES** this case **WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) based on Carmichael's failure to comply with a court order.

The court **DIRECTS** the Clerk of Court to close this case.

The court further **DIRECTS** the Clerk to send a copy of this order to the plaintiff at his address of record and at Roderick Carmichael, AIS #231802, Ventress Correctional Facility, P.O. Box 767, Clayton, AL 36016-0767.

For information regarding the cost of appeal, see the attached notice.

Done and Ordered on April 17, 2024.



COREY L. MAZE
UNITED STATES DISTRICT JUDGE

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

In Replying Give Number
of Case and Names of Parties

NOTICE TO PRISONERS CONCERNING CIVIL APPEALS

The Prison Litigation Reform Act of 1995 (effective April 26, 1996) now **REQUIRES** that all prisoners pay the Court's \$600 docket fee plus \$5 filing fee (for a total of \$605) when appealing any civil judgment

If you wish to appeal in a civil case that Act now **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$605 fee to the clerk of the district court from which this case arose; *or*
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$605 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$605 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, BUT THE TOTAL \$605 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.)

Fees are not refundable, regardless of outcome, and deductions from your prison account will continue until the total \$605 fee is collected, even if an appeal is unsuccessful.

David J. Smith
Clerk of Court

PLRA Notice